

Peoples' Friendship University of Russia
Law Institute

Recommended by MSSN

COURSE SYLLABUS

METHODOLOGY OF LEGAL RESEARCH

name of discipline

Recommended for the field of education:

40.06.01 Юриспруденция

Educational programme (profile)

Legal sciences: Contemporary international law

Graduate qualification (degree):

Researcher. Research teaching fellow

1. COURSE AIMS AND OBJECTIVES:

Education aims:

Providing vocational education, promoting awareness of the social significance of their future profession, conscientious fulfillment of professional duties, adherence to the principles of ethics of a lawyer, possession of a culture of thinking, ability to generalize, analyze, perceive information, set goals and choose ways to achieve it, respect for law and law, the ability to use the fundamentals, approaches and methods of social sciences, humanities and law when solving social and professional tasks, the ability to understand the nature and significance of information in the development of modern information society.

Professional aims:

Formation of cultural, historical and systemic perception of science by post-graduates, awareness of belonging to a single cultural environment of scientific knowledge, ideas about the types of scientific rationality, norms, principles and methods of scientific research, skills of organizing independent research activities based on modern methodology.

Course tasks:

- formation of knowledge in the field of jurisprudence;
- mastering by post-graduates of scientific approaches and methods of legal research (philosophical and ideological, general scientific and private-scientific);
- obtaining by post-graduates additional knowledge about the place of legal science in the system of scientific knowledge, its structure, functions;
- development of the ability of post-graduates to analyze the structural components of the scientific problem studied by them, the ability to determine their place and role in the legal system of society;
- formation of a postgraduate scientific legal world outlook, legal culture, development of value orientation in life, scientific and practical activities based on the priority of human and citizen rights and freedoms, as well as the ability to make competent decisions in professional activities;
- mastering research skills.

As an outcome of the course a post-graduate must:

know: history and laws of formation and development of legal science, branch legal sciences; features of the system structure of branches of law and areas of scientific legal knowledge, the structural connection of their main components; legal types of scientific knowledge; concept and principles of the methodology of legal science; features of the methodology of jurisprudence as an independent field of scientific knowledge: current trends in the development of law and legal science;

be able to: be fluent in the conceptual apparatus of legal science; critically analyze scientific texts, determine the methods of scientific knowledge used in the process of their writing, find logical contradictions and methodological errors in the text; determine the methods of scientific knowledge necessary for the study of relevant scientific problems and cognitive tasks; organize research and obtain representative and reliable knowledge; independently state the material obtained in the course of research in a scientific article, abstract, review, review, master's thesis (GCC-1,2,3,4,5, PC-6,9,10,11);

master: methodology and methods of self-study and analysis of legal doctrines and legal ideology, the normative structure of law, legal practice.

2. COURSE IN ACADEMIC PROGRAMME STRUCTURE:

Course Methodology of LEGAL RESEARCH belongs to the *elective* part of block 1 of educational plan.

Table № 1

Previous and Subsequent courses aimed at forming competences

№	Competence cipher and name Competence code and name	Previous courses	Subsequent courses (groups of disciplines)
Universal competences			
1	UC-1	Tertiary education; Theory and history of law and state; history of legal and state doctrines	
General professional competences			
2	GPC-1 GPC-2 GPC-3		Accomplishment of scientific researches

3. COMPETENCE REQUIREMENTS ON THE COURSE COMPLETION:

Course mastering is aimed at forming of the following competences:

universal:

ability to critically analyze and evaluate modern scientific achievements, generate new ideas in solving research and practical problems, including in interdisciplinary areas (UC-1);

general professional:

possession of the methodology of research activities in the field of jurisprudence (GPC-1);

knowledge of the culture of scientific research in the field of jurisprudence, including using the latest information and communication technologies (GPC-2);

the ability to develop new research methods and their application in independent research activities in the field of jurisprudence in compliance with the laws of the Russian Federation on copyright (GPC-3).

As an outcome of the course a post-graduate must:

know:

- trends in the development of legal science in Russia and abroad;
- Main approaches used in modern jurisprudence;
- main research methods used in jurisprudence (both general scientific and special legal);
- actual problems of jurisprudence that require scientific development;
- algorithm for conducting legal research.

be able to:

- determine the relevance of scientific research;
- identify the degree of scientific development of a scientific problem;

- to formulate the goals and objectives of scientific research;
- substantiate the theoretical, regulatory and empirical base of the study;
- apply methods consistent with the content, goals and objectives of the study;
- put forward, substantiate and test scientific hypotheses;
- justify and defend their own scientific position.

master:

**main approaches used in modern jurisprudence;
 the main categories used in jurisprudence, in particular, in the theory and history of law and the state, comparative law;
 both general scientific and special legal research methods;
 research skills in the field of law, especially in the theoretical and historical and legal sciences;
 skills for comparative legal research.**

4. Course workload and academic activities

Total workload – 3 credits.

Academic Activities	Total hours	Semester
		2
In-class learning (total)	60	60
<i>Including:</i>		
<i>Lectures</i>	40	40
<i>Practical lessons (total)</i>		
<i>Seminars (S)</i>	20	20
<i>Laboratory works (LW)</i>		
Independent learning (total)	48	48
Total Workload	hours	108
	credits	3
		3

5. COURSE CONTENT

5.1. Course Units (Topics)

№	Topic	Content
1.	Legal research as a knowledge system and social institution	<p>The subject, system, goals and objectives of the course "Methodology of legal research". The ratio of the formation of knowledge of law and the skills of legal research in the course. Methods of formation of research skills. Training model, adequate research activities and its implementation within the course.</p> <p>Legal science as a system of knowledge about law and legal reality. Legal science in the context of modern scientific knowledge. The theory of scientific revolution Kuhn. Paradigms in science.</p> <p>Criteria of scientific knowledge: validity, consistency, verifiability. The problem of the truth of scientific knowledge.</p> <p>Functions of science: axiological, epistemological, ontological, pragmatic.</p> <p>The relationship of legal science with other areas of scientific knowledge (sociology, political science, economics, etc.).</p>

		Legal science as a social institution. Scientific legal community. Forms of organization of the scientific legal community. Forms of implementation of legal research. Ethics of scientific research. Compliance with scientific ethics.
2.	Legal science in Russia and abroad: problems and prospects	The development of Russian jurisprudence. Formation of scientific legal knowledge in the pre-revolutionary period. Achievements of the Russian jurisprudence of the second half of the XIX - early XX centuries. Legal science in the Soviet period. Legal science in the post-Soviet period. Legal science abroad. Legal science in the United States. Legal science in Europe. Integrative jurisprudence. Jurisprudence of concepts. Jurisprudence of interest. Trends in the development of modern Russian jurisprudence. Search for methodological foundations of legal science. Statism and sociologism in jurisprudence. Problems of integration of modern Russian jurisprudence into the world scientific community.
3.	Actual problems of modern legal studies	Actualization of legal problems. Determination of promising areas of research. Actual problems of the theory of law and the state. Actual problems of historical and legal science. Actual problems of international private and public law. Actual problems of sectoral legal science. Branches of law and areas of scientific legal knowledge. Spheres of legal regulation. The needs of society in the scientific legal knowledge. Legal science and the state. Legal science and business. Legal science and civil society. Legal science and the global community. The role of legal scholars in the life of society and the state. The identity of a research lawyer.
4.	Law as an object of study	The ratio of law as a normative regulatory system of society and legal science as a system of knowledge about law. The development of ideas about the law in the domestic jurisprudence. Law and legal science as a phenomenon of civilization and culture. Typology of understanding of law. Statism and sociologism in jurisprudence. Differences in the interpretation of legal processes and phenomena in the general context of sociology and statism. Law and law making. Law and enforcement.
5.	Doctrinal, dogmatic, practical jurisprudence	Conceptual level of legal thinking. The concept as a substantive, systematic, reasonable, consistent construction of scientific facts. Scientific doctrines. Judicial doctrines. The ratio of scientific doctrines and judicial doctrines in modern jurisprudence. Doctrines of the US Supreme Court. Doctrines of the Constitutional Court of the Russian Federation. Legal dogma. Dogmatic jurisprudence. The dogmatic nature of Soviet jurisprudence. Legal constructions as doctrinal and dogmatic constructions. Legal practices as a kind of social practices. Types of legal practices: judicial, lawyer, prosecutorial, investigative, etc. "Life is right" in society.

6.	Legal categories, concepts, legal constructions	<p>Concepts and categories of jurisprudence.</p> <p>The main categories of jurisprudence: "law", "relationship", "legal institution", "source of law", "interests in law" and others.</p> <p>Conceptual and categorical apparatus in the study.</p> <p>Reflection of objects of legal reality through their concepts. Disclosure of concepts through their signs.</p> <p>Legal construction as a non-linear mapping of an object.</p> <p>Legal modeling.</p>
7.	Legal families and legal systems	<p>The concept of legal family. Types of legal families: continental legal family, the Anglo-Saxon legal family, the family of Islamic law.</p> <p>The concept of the legal system. National legal systems. International law systems. Mixed legal systems.</p> <p>Specificity of sources of law in various legal families and systems. The hierarchy of sources of law in different legal systems and families.</p> <p>Legislation, types of legislation. Other (except for laws) regulatory legal acts.</p> <p>Judicial precedent. Judicial doctrine. Administrative precedent. Legal doctrine. Legal custom. The rules of religious law.</p>
8.	Sources of law and sources of legal science	<p>Source study basis of legal research.</p> <p>The ratio of sources of law and sources of law. The ratio of sources of law with other sources - carriers of scientific information</p> <p>The ratio of legislation with the materials of official office work.</p> <p>The variety of sources of jurisprudence, their types. Laws and regulations. Judicial practice and judicial precedents. Materials of official paperwork, their types. Statistics (official and unofficial). Diaries and memories., Periodicals.</p> <p>Expansion of scientific ideas about the object under study through the involvement of a wide range of sources of law and jurisprudence.</p>
9.	Theoretical, normative and empirical basis of research	<p>Theoretical development of the problem in domestic jurisprudence in accordance with the stages of the development of society: a) the pre-revolutionary period; b) the Soviet period; c) the post-Soviet period.</p> <p>The degree of problem development in foreign jurisprudence (taking into account legal systems and legal cultures).</p> <p>Definition of the regulatory framework of the study. Determination of the sources of law to be included in the legal study.</p> <p>Features of the regulatory framework of the study in relation to various areas of legal regulation. Analysis and synthesis of legislation.</p> <p>Empirical basis of research. Legal practice and its types. Judicial, prosecutorial, attorney and other types of legal practices. Social practices.</p> <p>The study of society in the framework of legal research.</p> <p>Practice of the Constitutional Court of the Russian Federation. Practice of the Supreme Court of the Russian Federation. Practice of the European Court of Human Rights. Generalization of judicial practice.</p>
10.	Scientific approaches and methods of legal research	<p>The concept of a scientific approach. The concept of the method of scientific research.</p> <p>The ratio of the scientific approach and method.</p>

		<p>Classification of scientific approaches and research methods. Philosophical and ideological approaches and research methods. Dialectics. Metaphysics. Methods of formal logic. Analysis and synthesis. Induction and deduction. General scientific research methods. System method Structural and functional method. Simulation method. Synergetics. Hermeneutics. Private scientific research methods. Sociological research methods. Questioning and interviewing. Representativeness of sociological research. Objectivity and reliability of studies conducted using sociological methods. Statistical research methods. Mathematical research methods. Special legal approaches and research methods. Legal dogmatic method. Comparative legal approach. Methods of comparative legal studies (synchronous, diachronic).</p>
11.	Modern scientific approaches in legal studies	<p>A paradigm shift in legal research. Law as a phenomenon of civilization and culture, sociocultural phenomenon. The evolution of law, society, state in the context of the formation approach. Civilization approach to the evolution of society and law. Modern ideas about culture. Culture as a suprabiological program of social development. Socio-cultural approach in jurisprudence. Translation of legal experience in society. Legal traditions and innovations. Legal anthropology. The legal status of man in society. Interests in law as a methodological context.</p>
12.	Building research methodology	<p>Targeting in research. Setting goals and objectives of the study. Definition of the object and subject of study.</p> <p>Definition of methodology within a specific study. Identification of approaches to be applied and methods of scientific research. Description of scientific approaches and research methods. The relationship and interdependence of scientific approaches and methods in the framework of the study.</p> <p>Scientific hypotheses. Making hypotheses within a study. Discussion and clarification of hypotheses.</p>
13.	Methodology of comparative legal research	<p>Methods of comparative legal research. Principles of comparative law. Comparability of objects in comparative studies. Civilizational and cultural context of comparative legal research. Spatial models of comparative legal research.</p> <p>Transfer of identities in time and space. Synchronous and diachronic methods of comparative legal research. Comparative analysis of legal systems. Comparative analysis of legal institutions. Comparative analysis of regulations and legal norms. Comparative analysis of law enforcement practice.</p>
14.	Algorithm of legal research	<p>Actualization of the legal problem. Identification of the degree of scientific elaboration of the problem. The solution of a scientific problem at different stages of development of society and scientific knowledge. Scientific interests and opportunities. Search for scientific information and sources in relation to research. Construction of conceptual and categorical apparatus of the study. Setting goals and objectives of the study. Definition of the object and subject of study. Theoretical, regulatory and empirical base of research. Definition of research methodology. The choice of optimal research methods, their combination in the study. Promotion of scientific hypotheses,</p>

		their justification, verification. Research resources. Approbation of the study. Justification of scientific novelty. Verification of judgment. Footnotes and references in scientific work as a manifestation of research culture.
15.	Research presentation	Each of the graduate students on his dissertation research topic substantiates: 1) the relevance of the topic; 2) the degree of scientific elaboration; 3) the purpose and objectives of the study; 4) the object and subject of study; 5) theoretical, regulatory and empirical base of research; 6) scientific hypotheses; 7) research methods and scientific approaches to be applied; 8) predictable scientific results.

5.2. Course Units and Academic Activities

№	Topic	Lecture	PL	LW	S	IW	Total
1.	Legal studies as a knowledge system and social institution	4				3	7
2.	Legal science in Russia and abroad: problems and prospects	4				4	8
3.	Actual problems of modern legal studies				4	3	7
4.	Law as an object of study	4				3	7
5.	Doctrinal, dogmatic, practical jurisprudence	4				4	8
6.	Legal categories, concepts, legal constructions				4	3	7
7.	Legal families and legal systems	4				3	7
8.	Sources of law and sources of legal science	4				4	8
9.	Theoretical, normative and empirical basis of research				4	3	7
10.	Scientific approaches and methods of legal research	4				3	7
11.	Modern scientific approaches in legal studies	4				3	7
12.	Building research methodology				4	3	7
13.	Methodology of comparative legal research	4				3	7
14.	Algorithm of legal research	4				3	7
15.	Research presentation				4	3	7

6. Laboratory practice – absent

7. Practical lessons (seminars)

№	№ of unit	Practical lessons (seminars)	Workload (h.)
1.	Topic 3	Actual problems of modern legal studies	4

2.	Topic 6	Legal categories, concepts, legal constructions	4
3.	Topic 9	Theoretical, normative and empirical basis of research	4
4.	Topic 12	Building research methodology	4
5.	Topic 15	Research presentation	4

8. Inventory and technical support:

Methodology of legal studies	Media hall	Projector, microphone, notebook, Wi-Fi Flipcharts (2), paper, markers
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For independent work, students are provided with computer classes equipped with laptops with Internet access.

Requirements for classrooms (rooms, places) to conduct classes: in order to prepare the audience to conduct classes in this academic discipline, standard equipped audiences are required. To conduct computer testing in the MENTOR and TEIS system, specially equipped auditoriums with computer equipment and access to the test database on the RUDN server are required. For successful mastering the discipline, a graduate student should be able to use the university's own library with the technical capabilities of converting basic library collections into electronic form and the necessary conditions for their storage and use. University must be provided with the necessary set of licensed software.

9. Informational support

a) Software: Microsoft Windows, Microsoft Office, Adobe Reader

б) databases, reference and retrieval systems:

- Fund of the RUDN ESRLC (SL),
- The website of the university's scientific library with access to modern digital libraries,
- Professional databases: Garant, Consultant Plus.
- Search engines: Яндекс, Google, Yahoo!

10. Learning and teaching support:

Main literature

1. Nemytina M.V. History and Methodology of Legal Studies: Учебное пособие для магистрантов / М.В. Немьтина, П.В. Лапо; Под общ. ред. М.В. Немьтиной. М.: Изд-во РУДН, 2017. 113 с. <http://lib.rudn.ru/ProtectedView/Book/ViewBook/6640>
2. The History and Methodology of Legal Studies. The Philosophy of Law. The Comparative Law Research. The History of Political and Legal Studies / Сост. Н.В.Варламова, С.Б.Зинковский, Р.В.Мамедов и др. М.: Изд-во РУДН, 2015. 88 с. http://lib.rudn.ru/MegaPro/UserEntry?Action=Rudn_FindDoc&id=453672&idb=0

Additional literature

1. Методология сравнительно-правовых исследований. Жидковские чтения [Текст/электронный ресурс] : Материалы Всероссийской научной конференции: Москва, 30 марта 2012 г. / Под ред. Г.И.Муромцева, М.В.Немытиной. - Электронные текстовые данные. - М. : Изд-во РУДН, 2013. - 444 с. http://lib.rudn.ru/MegaPro/UserEntry?Action=Rudn_FindDoc&id=418846&idb=0

11. Methodical instructions for post-graduates

Post-graduates are required to attend seminars, mandatory participation in certification and testing trials. Particular importance is attached to the criteria for assessing the mastery of the skills of legal research, the ability to apply the existing approaches in law to the law and methods of its research in the course of specific studies in the preparation of dissertations.


12. Fund of assessment tools for intermediate certification of students in the discipline

Materials for assessing the level of mastering the educational material of the discipline " International Environmental Law " (assessment materials), including BRS, sample topics of essays, sample test questions and sample questions for retakes, are fully developed and available for students on the discipline page in TUIS RUDN.

The program has been drawn up in accordance with the requirements of the OS of VO RUDN.

Developer:

Head of the department of History
of Law and State
Law Institute, RUDN
D.J.S., professor


_____ подпись M.V. Nemytina

Head of the department
of History of Law and State
Law Institute, RUDN
D.J.S., professor


_____ подпись M.V. Nemytina